

November 15, 2005 – Corrected Copy

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Heavy-Duty Diesel In-Use Strategies Branch
Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: Comments on Diesel Off-Road Equipment Measure Preliminary Regulatory
Concepts Dated 7/12/05

We support the control of diesel particulate emissions from off-road equipment and realize it is a critical element in the overall reduction of risk from exposure to particulate matter from diesel-fueled engines. We offer the following comments on the above referenced document in the hope that the final ATCM can be made enforceable in a practical matter.

It has become clear during the preliminary development of the concepts for this ATCM there is no agency that currently registers or maintains a database of all or even a significant portion of the equipment that will be subject to this regulation. A primary focus in the development of this regulation should be how equipment will be identified and who will be responsible for determining that the equipment meets the requirements of the regulation. Air Districts in California are specifically prohibited from permitting motor vehicles by the California Health and Safety Code Section 42310(d). If Districts are to be involved the enforcement of this ATCM the legal mechanism and method of funding District efforts must be addressed. The identification (registration), enforcement and funding mechanisms to address the ATCM requirements for this category of equipment will most likely need legislation to resolve.

Due to the complexities of enforcing this regulation the requirements should be made as simple as possible. Although phase in of requirements may be practical for large fleets, the regulation should deal differently with owners that have a limited number of pieces of equipment subject to the regulation.

Thank you for consideration of these comments. I look forward to continuing to work with you on this regulation.

Sincerely,

Lance Ericksen
Engineering Division Manager
Monterey Bay Unified APCD